

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

GUARDIAN PIPELINE, L.L.C., a Delaware
limited liability company,

Plaintiff,

v.

Case No. 08-C-0028

295.49 ACRES OF LAND, more or less,
in Brown Co., Calumet Co., Dodge Co.,
Fond du Lac Co., Jefferson Co., and
Outagamie Co., WI,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

Over the past several days, the court has summarily granted two motions requesting to submit additional briefs by the Guardian Pipeline, LLC, in the above matter. Counsel for a number of the defendant landowners has requested reconsideration of the court's order. Noting that the court granted the motions before awaiting any response, he requests that the court vacate its earlier decisions, deny the motions to file supplemental briefs and bar any testimony or postpone the hearing presently scheduled for Friday, February 15, 2008. Counsel for the landowners contends that there is insufficient time for him to respond to Guardian's most recent filings and, further, that he will not likely be prepared to address any testimony that Guardian may choose to answer.

The motion for reconsideration will be denied. In the event counsel for the objecting landowners requires additional time to respond to the arguments raised in the most recent submissions, he will be allowed it. Further, Guardian has indicated that it intends to have land

agents prepared to testify in the event it becomes necessary. The court did not anticipate Friday's hearing as an evidentiary hearing and in all likelihood, there will be no need to present evidence. In the event evidence is presented, however, the court will be in a position to make reasonable accommodations to insure no prejudice occurs to the landowners. At the very least, counsel should be prepared to address the arguments that he has made in opposition to the relief requested by Guardian. If a further evidentiary hearing becomes necessary, this can also be addressed at the upcoming hearing. In any event, the motion to adjourn the hearing is also denied.

SO ORDERED this 13th day of February, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge